

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DERRICK EUGENE KIRTMAN §
VS. § CIVIL ACTION NO. 1:22cv489
WARDEN, FCI BEAUMONT LOW §

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Petitioner Derrick Eugene Kirtman, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion to dismiss be granted and the petition dismissed without prejudice as moot.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Proper notice was given to petitioner at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). The copy of the Report and Recommendation sent to petitioner was returned with a notation stating petitioner is no longer at that address. Petitioner has failed to provide the Court with a new address, in contravention of Local Rule CV-11(d). The website operated by the Bureau of Prisons states petitioner has been released from confinement. No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge [Dkt. 5] is ADOPTED. The motion to dismiss [Dkt. 4] is GRANTED. A final judgment shall be entered dismissing the petition.

SIGNED this 20th day of March, 2023.



Michael J. Truncal
United States District Judge